

**The Department of Community Planning & Development**  
**City Hall, Lynchburg, VA 24504** **434-455-3900**

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**To:** Planning Commission

**From:** Planning Division

**Date:** February 22, 2006

**Re: CONDITIONAL USE PERMIT (CUP): Heritage Court Townhomes, Phase II, 548 and 550 Leesville Road.**

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**I. PETITIONER**

LTD Properties, LLC, 112 Sunbury Place, Lynchburg, VA 24502

**Representative:** P. Scott Beasley, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

**II. LOCATION**

The subject property is a tract of about four and ninety-six hundredths (4.96) acres located at 548 and 550 Leesville Road, Lynchburg, VA 24502.

**Property Owner:** LTD Properties, LLC, 112 Sunbury Place, Lynchburg, VA 24502

**III. PURPOSE**

The purpose of this petition is to allow construction of thirty-five (35) townhouses (for sale) with associated parking.

**IV. SUMMARY**

- Petition agrees with the *Comprehensive Plan* which recommends Medium Density Residential land use in this area.
- Petition agrees with the Zoning Ordinance in that townhouses are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council.
- Petition proposes the construction of a thirty-five (35) unit townhouse complex with associated parking.

**The Planning Division recommends approval of the conditional use permit petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Medium Density Residential development in this area. Medium Density Residential includes small-lot single family detached housing, duplexes, and townhouse at densities of up to twelve (12) units per acre. The project, when combined with Phase I of Heritage Court Townhomes through a separate subdivision plat submittal, will have a density on approximately twelve and seventh tenths (12.7) units per acre.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Two Family Residential zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.

4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- 1/9/2001: City Council approved Heritage United Methodist Church's CUP petition for the construction of a multi-purpose building at 582 Leesville Road.
- 10/10/2000: City Council approved Bell Atlantic's CUP petition to construct a sixty-eight (68) space parking lot in an R-3, Two-Family Residential District at 555 Leesville Road.
- 9/12/2000: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
- 7/8/1997: City Council approved Heritage High School's CUP petition to construct a two hundred (200) space parking lot in an R-1, Single Family Residential District at 3020 Wards Road.
- 4/9/1996: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
- 2/13/1996: City Council approved C. Donald Childress and Edward R. Walker's petition to rezone three and eight tenths (3.8) acres from R-3, Two-Family Residential District to a B-5C General Business District (conditional), to allow the construction of mini storage warehouses and speculative commercial use at 7316 and 7318 Timberlake Road.
- 6/13/1995: City Council approved Bell Atlantic of Virginia's CUP petition for the construction of a company parking lot and a storage area for equipment and materials at 553 Leesville Road.
- 4/25/1995: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
- 12/13/1994: City Council approved Heritage United Methodist Church's CUP petition to increase the number of children in an existing day care center to one hundred twenty-five (125) at 582 Leesville Road.
- 4/12/1994: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
- 3/9/1993: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
- 7/14/1992: City Council approved Lynchburg City School's CUP petition for the installation of 4 modular classrooms for Heritage Elementary School at 501 Leesville Road.
- 3/10/1992: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
- 4/9/1991: City Council approved Heritage United Methodist Church's Temporary CUP petition for the construction of pre-school center at 582 Leesville Road.

- 4/9/1991: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
  - 4/10/1990: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
  - 4/11/1989: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
  - 8/9/1988: City Council E.F. Baldwin's CUP petition for the construction of multi-family townhouses in an R-3, Two-Family Residential District at 542 Leesville Road.
  - 4/12/1988: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
  - 4/14/1987: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
  - 5/13/1986: City Council approved Heritage United Methodist Church's CUP master plan petition for the new church complex at 582 Leesville Road.
  - 4/8/1986: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
  - 4/9/1985: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
  - 2/12/1985: City Council approved Heritage United Methodist Church's CUP petition for the construction of a new sanctuary, education building and parking lot in an R-3, Two-Family Residential District at 594 Leesville Road.
  - 2/14/1984: City Council approved Elks Lodge #321's Temporary CUP petition to host a circus in a B-5C, General Business District (conditional), a R-4, Multi-Family Residential District and an R-3, Two-Family Residential District at 7306 Timberlake Road.
5. **Site Description.** The subject property is bounded to the north by single-family homes, to the east by single-family homes, Verizon and Heritage High School, to the south by single family homes and two churches and to the west by the vacant Fort Hill Drive-In (part of which is used as the Fort Hill Flea Market).
6. **Proposed Use of Property.** The purpose of the conditional use permit is to allow construction of a thirty-five (35) unit townhouse complex and associated parking. Building materials and elevations for the single-family attached homes will be similar to the existing Phase I of Heritage Court Townhomes. The petitioner proposes that the project will be graded in a manner that preserves the existing tree buffer around the property and to supplement the buffer with evergreen plantings as needed to shield residences along Leesville Road. In addition, the

petitioner will add street trees at the entrance to the site, shade trees within the parking area and foundation plantings around the new units. Sidewalks are provided to all common areas.

7. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development. Traffic from the site will outlet onto Leesville Road, which is a four-lane arterial street with a traffic volume of about eleven thousand (11,000) vehicles per day. Since this volume is well below the rated capacity of the roadway, traffic impacts are expected to be minimal from the proposed townhouses.

Parking requirements for the proposed development are set at two and a half (2.5) spaces per unit by the City's Zoning Ordinance; the proposed thirty-five (35) townhouses require eighty-eight (88) parking spaces. The site plan indicates that eighty-nine (89) parking spaces will be provided for the townhouses, thus meeting the requirement of City Code.

8. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of an above-ground stormwater detention facility. The pond will be located on site of Heritage Court Townhouses, Phase I adjacent to existing townhouse units. A preliminary drainage review indicates that the receiving channel is adequate for the site's stormwater from the proposed pond. Stormwater quality will be addressed through a combination of Best Management Practices and mechanical stormwater filters.

9. **Emergency Services.** The City's Fire Marshal had no comments on the Conditional Use Permit application for the proposed townhouse development.

The City Police Department's South Division had no comments on the proposed townhouse development.

10. **Impact.** The development of the thirty-five (35) unit townhouse complex, including the associated parking and recreational areas, will have limited impacts on the surrounding neighborhoods. The design and layout of the buildings are acceptable to the Planning Division.

The petitioner proposes that the project will be graded so as to preserve the existing tree buffer around the property and to supplement the buffer with evergreen plantings as needed to shield existing residences along Leesville Road. In addition, the petitioner will add street trees at the entrance to the site, shade trees within the parking area and foundation plantings around the new units. Preservation of the existing large deciduous tree located at the entrance to the property is a true asset to the Leesville Road corridor. The Planning Division recommends that, since no grading is proposed along that corridor, that the tree be preserved and only one additional tree of the same species be planted on the northwest side of the entrance.

New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of an above-ground stormwater detention facility. The pond will be located on site of Heritage Court Townhouses, Phase I adjacent to existing townhouse units. The Planning Division recommends that a landscape screen be placed around the pond so as to minimize the impacts of the stormwater pond on the adjacent landowners. A preliminary drainage review indicates that the receiving channel is adequate for the site's stormwater from the proposed pond. Stormwater quality will be addressed through a combination of Best Management Practices and mechanical stormwater filters.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on January 17, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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## **VI. PLANNING DIVISION RECOMMENDATION**

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of LTD Properties, LLC's petition for a Conditional Use Permit (CUP) at 548 and 550 Leesville Road to allow for the construction of a thirty-five (35) unit townhouse complex and associated parking, subject to the following conditions:

1. Property will be developed in substantial compliance with the Conditional Use Permit Plan for Phase Two Heritage Court Townhomes, revised February 10, 2006 and received by Community Planning & Development on February 10, 2006.
2. The large deciduous tree on the southwest side of the Leesville Road entrance to Phase I of Heritage Court Townhomes will be preserved, in lieu of planting the proposed street tree as shown on the Phase Two Heritage Court Townhomes, revised February 10, 2006 and received by Community Planning & Development on February 10, 2006. .
3. A landscape screen will be provided along the perimeter of the proposed stormwater detention pond, subject to the review of the City Planner and Urban Forester. If the "infill planting" requires that more than 25 evergreen trees be used to supplement, then two different species are required. If the buffer requires more than 50 evergreen trees be used to supplement, then three species are required.
4. A vegetative buffer for between the proposed development and the existing residences along Leesville Road will be provided along the perimeter of the site, subject to the review of the City Planner and Urban Forester. If existing vegetation does not provide adequate screening, the buffer will be supplemented with 4' evergreen trees. If the "infill planting" requires that more than 25 evergreen trees be used to supplement, then two different species are required. If the buffer requires more than 50 evergreen trees be used to supplement, then three species are required.
5. Stormwater quality impacts will be mitigated using a combination of Best Management Practices and Mechanical Inlet Filters. Practices are subject to the approval of the City's Environmental Planner.

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. J. Lee Newland, Director of Engineering  
Mr. Michael Thomas, Acting Fire Marshal  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. J.P. Stokes, Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mrs. Erin B. Hawkins, Environmental Planner  
Mr. P. Scott Beasley, Hurt & Proffitt

## **VII. ATTACHMENTS**

### **1. Vicinity Zoning Pattern**

(see attached map)

### **2. Vicinity Proposed Land Use**

(see attached map)

### **3. Site Plan**

(see attached site plans)

### **4. Project Narrative and Building Elevations**

(see attached narrative)